(b) whether any decision has been taken on those recommendations and if so, the details thereof and if not, by when decision is likely to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY): (a) and (b) The Terms of Reference of the Committee constituted by Ministry of Home Affairs to review the Armed Forces (Special Powers) Act, 1958 as amended in 1972 were as under-Keeping in view the legitimate concerns of the people of the North Eastern Region, the need for foster Human rights, keeping in perspective the imperatives of security and maintenance of public order to review the provisions of the Armed Forces (Special Powers) Act, 1958 as amended in 1972 and to advise the Government of India whether-

(a) to amend the provisions of the Act to bring them in consonance with the obligations of the Government towards protection of Human Rights; or

(b) To replace the Act by a more humane Act.

The Committee has submitted its report to Ministry of Home Affairs on 6.6.2005. The recommendations of the Committee contained in its report are being examined and a decision in the matter is yet to be taken.

Criminal charges against forest officers of IFS cadre

*414. SHRI SURENDRA LATH:
SHRI KRIPAL PARMAR:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware of the fact that pursuant to Sikkim High Court order dated 5th December, 1996 in writ petition No. 43 of 1996, the Superintendent of Police of Sikkim, East District framed serious criminal charges on 4 section of IPC against some forest officers of IFS cadre;

(b) whether it is a fact that in-charge officer requested for prosecution sanction from State Government against them long ago; and

(c) whether it is a fact that the Apex court has settled the law that prior sanction is not required for such cases for prosecution?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY): (a) and (b) In pursuance of order dated the 5th December, 1996 of High Court of Sikkim in Writ Petition No. 43 of 1996 regarding irregularities in the recruitment process of forest guards, the Sikkim Police investigated, the involvement of officers of the Forest Department, Sikkim in the matter. After completion of investigation, the Sikkim Police on 7th April 2000 sought sanction of the Government of Sikkim under Section 197 of Criminal Procedure Code for filing of chargesheet against the then Principal Chief Conservator-cum-Secretary and one Lower Division Clerk of Forest Department, Government of Sikkim.

(c) In the Criminal Appeal No. 1118 of 2000 in the matter of Shri P.K. Pradhan *versus* The State of Sikkim, the Hon'ble Supreme Court of India in its judgement dated 24th July 2001 observed, *inter alia,* that for invoking protection under Section 197 of the Criminal Procedure Code, the acts of the accused complained of must be such that the same cannot be separated from the discharge of official duty, but if there was no reasonable connection between them and the performance of those duties and the official status furnishes only the occasion or opportunity for the acts, then no sanction for prosecution under Section 197 of Criminal Procedure Code would be required.

Paucity of Central Forces

† *415. SHRIMATI KUM KUM RAI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that there is paucity of Central Forces to prevent terrorism from across the border and to contain the incidents of terrorism;

(b) if so, the details thereof;

(c) whether Government are considering to increase the strength of Central Forces; and

(d) if so, to what extent and by when the recruitment will be made?

† Original notice of the question was received in Hindi.